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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 Lon Roger Coleman,) No. CV 11-1468-PHX-DGC (JRI)

10 Petitioner,) **ORDER**

11 vs.)

12 Charles L. Ryan, et al.,)

13 Respondents.)

14)

15)

16 Petitioner Lon Roger Coleman, who is confined in the Arizona State Prison-Kingman,
17 filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 and an
18 Application to Proceed *In Forma Pauperis*. In a September 7, 2012 Order, the Court
19 dismissed the Petition as premature because Petitioner had a petition for post-conviction
20 relief pending before the Maricopa County Superior Court. The Clerk of Court entered
21 Judgment on September 7, 2011.

22 On April 25, 2012, Plaintiff filed a Motion to Appoint Counsel and Motion for
23 Reconsideration (Doc. 7) and a Motion for Preliminary Injunction and Temporary
24 Restraining Order (Doc. 8). On April 30, 2012, Plaintiff filed a Motion to Expedite Ruling
25 on Request for Temporary Restraining Order (Doc. 10).

26 **I. Motion to Appoint Counsel and Motion for Reconsideration**

27 In his Motion for Reconsideration, Plaintiff asks that the Court reopen this action

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1 because he has not received notice of any action on his state court petition and believes his
2 state court proceedings have concluded. This is not a proper basis for reconsideration of the
3 September 2011 dismissal of Petitioner's habeas action because Petitioner's state court
4 proceedings were still in progress when the habeas action was dismissed. If Petitioner wishes
5 to raise his habeas claims, he must do so in a new petition, filed in a new case. The Court
6 will deny Petitioner's Motion for Reconsideration. The Court will deny as moot the request
7 for counsel.

8 **II. Motion for Preliminary Injunction and Temporary Restraining Order**

9 In his Motion for Preliminary Injunction, Plaintiff seeks an order requiring prison
10 officials to treat Plaintiff's mental health issues. The Court will deny the Motion because
11 Plaintiff's claims are not properly before the Court. First, this case is closed. Second,
12 Plaintiff cannot raise claims challenging his conditions of confinement in a habeas action.
13 If Plaintiff seeks to challenge the conditions of his confinement, he must bring his claims in
14 a new action filed pursuant to 42 U.S.C. § 1983.

15 **IT IS ORDERED:**

16 (1) Plaintiff's April 25, 2012 Motion to Appoint Counsel and Motion for
17 Reconsideration (Doc. 7) is **denied**.

18 (2) Plaintiff's April 25, 2012 Motion for Preliminary Injunction and Temporary
19 Restraining Order (Doc. 8) is **denied**.

20 (3) Plaintiff's April 30, 2012 Motion to Expedite Ruling (Doc. 10) is **denied** as
21 moot.

22 (4) This case must remain **closed**.

23 DATED this 4th day of June, 2012.

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David G. Campbell
28 United States District Judge